THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.14149 OF 2004

09.3.2006

Between:

Tetali Somi Reddy, S/o.T.S.N.Reddy

… Petitioner

AND

The Mandal Revenue Officer, Poduru Mandal,

West Godavari District

And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.14149 OF 2004

ORDER:

Though the interlocutory applications are listed, the matter was heard finally and is being disposed of by this order.

The petitioner is resident of Marteru village of Penumandra Mandal in West Godavari District. He is statedly owner and pattadar of land admeasuring Acs.1.46 in R.S.No.185/3 of Jagannadhapuram Village of Podur Mandal in West Godavari District. It appears that adjoining to his land, there is Government poramboke, which forms part of the road. The petitioner also states that in respect of another extent of Acs.0.04 in survey No.185/3 adjoining the road margin, he was given tree patta in 1985 through which he has access to his patta land. He alleges that Gram Panchayat has initiated action to assign house site pattas in respect of the road poramboke and road margin land. The petitioner contends that if the pattas are given, he would be deprived of right of way to his lands.

In the counter affidavit filed by the Mandal Revenue Officer (MRO), Podur Mandal, it is admitted that the petitioner is owner of land in R.S. No.185/3 of J.N.Puram and that the land admeasuring Acs.1.51 in R.S. No.187/1 of J.N.Puram is classified as cart-tract poramboke situated at the northern side of the petitioner's land. The

allegation that Gram Panchayat is proposing to assign house site in road margin is denied. It is categorically stated that no action is taken regarding issue of house site pattas. It is further alleged that the petitioner himself has encroached upon small bit of land in R.S.No.187/1.

After hearing the learned Counsel for the petitioner and learned Assistant Government Pleader for Panchayat Raj, it becomes clear that the land comprised in R.S.No.187/1 is a cart-track poramboke and, therefore, the respondents cannot assign house site pattas on the road. Further, if there are any encroachments on the land, the MRO should take necessary action for evicting the encroachers by following due process of law so as to keep the cart-tract/public road free from encumbrances and encroachments. As the writ petition is filed on mere apprehensions, no orders need be passed.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

March 09, 2006

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